

## **March 2005 Unified Program Newsletter**

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### **State Water Resources Control Board**

#### **Spill Bucket Testing Workgroup**

State Water Resources Control Board (State Water Board), Underground Storage Tank (UST) Program staff are convening a spill bucket testing work group. The work group will discuss: the lack of a uniform spill bucket testing protocol throughout California; how to dispose of testing fluid; the use of an appropriate testing fluid; and other concerns related to spill bucket testing. The objective of the work group is to come up with guidelines for testing spill buckets. The work group consists of 14 members, including local agency inspectors (at least one from each TAG), UST contractors, UST owners/operators, and staff from the Department of Toxic Substance Control (DTSC) and the State Water Board. The first workgroup meeting will be held in March 2005.

UST Program Contact: Raed Mahdi (rmahdi@waterboards.ca.gov; 916-341-5871)

#### **Joint ARB/State Water Board Determination Effort**

Health and Safety Code (HSC), chapter 6.7, section 25290.1.2(a) requires the Air Resources Board (ARB) and State Water Resources Control Board (State Water Board) to determine collaboratively, to the best of their knowledge and using existing resources, that the equipment that meets the ARB's Enhanced Vapor Recovery (EVR) requirements also meets UST statutory requirements. The ARB and State Water Board held a joint staff-level workshop on February 28, 2005 to solicit stakeholder comments on the draft proposed guidelines for determination of compliance of EVR systems with UST statutes. About 30 people attended the workshop. We anticipate the final guidelines will be posted on the UST Program website ([www.waterboards.ca.gov/ust](http://www.waterboards.ca.gov/ust)) in April 2005.

UST Program Contact: Liz Haven (lhaven@waterboards.ca.gov; 916-341-5752)

### **US Environmental Protection Agency**

#### **Resource Conservation Funds**

Federal grants (\$30,000-\$60,000) available to local government for promotion of recycling and solid waste reduction

Goal: To promote recycling and solid waste reduction projects that will:

- have a significant national environmental impact; or
- address a significant environmental issue in an area of Region 9 with limited waste reduction activities; or
- foster market mechanisms or market development.

Funding Availability: Total program funding available is uncertain. In fiscal year 2004, approximately \$120,000 was awarded for Resource Conservation Funds and \$80,000 for Tribal Solid Waste projects. In the past, Region 9 has funded projects ranging from \$30,000 to \$60,000.

Important Dates:

March 28, 2005    Pre-proposal due

April 8, 2005     EPA notifies finalists to prepare a full proposal

April 29, 2005    Full proposal due  
May 13, 2005    Final proposals selected, applicants notified  
October 2005    Cooperative Agreements awarded

**Key Contacts:**

EPA Regional Contact: Adrienne Priselac, (415) 972-3285

More information: <http://www.epa.gov/region09/funding/rcra.html>

## **California Environmental Protection Agency**

### **Cal/EPA Cross Media Enforcement Symposium**

Applications are now being accepted to attend the Cal/EPA Cross Media Enforcement Symposium. For more information please see: <http://www.calepa.ca.gov/Enforcement/Scholarships/2005/symposium.htm>.

Applications are welcome from state, local, and tribal enforcement staff whose agencies cannot afford to send them. Please check with your agency for possible funding before requesting a scholarship from Cal/EPA; these precious funds are limited.

If you have any questions please contact Jami Ferguson at (916) 322-2935 or [jferguso@calepa.ca.gov](mailto:jferguso@calepa.ca.gov).

### **Recent Enforcement News**

#### **Ship's Captain Pleads Guilty to Obstructing Justice**

Los Angeles, CA - February 23, 2005 Ioannis Kallikis, of Athens, Greece, Captain of the Motor Vessel Katerina pleaded guilty on Feb. 16 in U.S. District Court for the Central District of California in Los Angeles to charges that he obstructed justice by advising other crew members to destroy and conceal from United States Coast Guard inspectors incriminating telexes relating to the use of bypass pipes on the vessel. The bypass pipe had been used to illegally discharge oil into the Pacific Ocean. Illegally discharging oil into the ocean can harm fish and other aquatic life. The case was investigated by the U.S. Coast Guard Marine Safety Office, the Coast Guard's Investigative Service and the Los Angeles office of EPA's Criminal Investigation Division. It is being prosecuted by the U.S. attorney's office in Los Angeles.

#### **Oil Companies Pay EPA To Settle Santa Monica MTBE Cleanup Cost**

Santa Monica, CA - February 16, 2005 Companies Will Pay \$1.5 Million; Charnock Sub-Basin Cleanup Still In Progress.

Under the terms of a settlement filed today in federal court, several oil companies will pay \$1.5 million to the Environmental Protection Agency for costs it incurred while directing the investigation and cleanup of methyl tertiary butyl ether (MTBE), a gasoline additive, from a groundwater basin formerly used for drinking water by the City of Santa Monica, California. The money from this settlement will go into the U.S. Leaking Underground Storage Tank Fund, which finances investigations, cleanups and enforcement actions at leaking underground storage tank sites. "The agreed settlement is another reminder of our continued efforts to hold parties financially responsible for polluting the environment," said Thomas L. Sansonetti, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "Placing the financial responsibility on the shoulders of those who cause contamination ensures future funding to address contaminated sites throughout the country."

"The EPA welcomes this settlement as one more step in resolving the issues associated with the Santa Monica MTBE contamination problem," said Wayne Nastri, the U.S. EPA's regional administrator for the Pacific Southwest. "The EPA is committed to working closely with our state and local government partners to assure that sites are cleaned up and responsible parties are held accountable." The EPA has been working with the City of Santa Monica and the Regional Water Quality Control Board to require cleanup of the MTBE contamination since 1996.

"Santa Monica thanks the EPA for stepping up to the plate early in our MTBE crisis and assisting us in a

settlement that will ensure long-term water security for our citizens," said Craig Perkins, Director, Department of Environmental & Public Works Management, City of Santa Monica. "The Regional Board is pleased to continue working with all parties to oversee the cleanup at the source sites and regional groundwater monitoring within the Charnock Sub-Basin. This oversight and regulation will continue until the drinking water aquifer is restored to its full beneficial use as a drinking water supply for the City of Santa Monica," said Susan Cloke, Chair, Los Angeles Regional Water Quality Control Board. The agreement between the EPA and the oil companies follows eight years of investigation and cleanup under the Federal Resource Conservation and Recovery Act and California's Porter Cologne Act. The MTBE contamination in the vicinity of Santa Monica's drinking water wells came from at least 25 possible sources, most of which were gas stations in the Charnock Sub-Basin.

Under orders from the EPA and the Los Angeles Regional Water Quality Control Board, the oil companies have extracted more than 346 million gallons of contaminated groundwater and removed over 4,000 cubic yards of contaminated soil. Approximately 6,000 pounds of MTBE have been recovered. Including past costs, the oil companies are expected to spend in excess of \$200 million to address the contamination. Banned in California since 2004, MTBE is a gasoline additive and potential carcinogen that is highly soluble in water. MTBE was first introduced in 1979 to make gasoline burn more cleanly; it became a problem due to leaks into groundwater.

Santa Monica's Charnock Sub-Basin public drinking water supply wells have been shut down since 1996, when MTBE contamination was first discovered. The wells formally provided more than six million gallons per day of local water, approximately half of Santa Monica's daily water demand. In addition to directing the cleanup, the EPA and the Los Angeles Regional Water Quality Control Board have required the oil companies to supply replacement water to Santa Monica at a cost of more than \$3 million a year. In 2003, Shell Oil Co., ChevronTexaco Corp. and ExxonMobil Corp. signed an agreement with Santa Monica, which required the oil companies to build treatment systems for Charnock water supply wells to remove the MTBE that had spread beyond source sites. This will eventually allow Santa Monica to restore use of the Charnock drinking water supply. No water from the Charnock Sub-Basin is currently being used for drinking water.

The companies named in this settlement are:

- Shell Oil Co.;
- Shell Oil Products Co. LLC (as successor in interest to Shell Oil Products Company);
- Equilon Enterprises LLC;
- Shell Pipeline Company LP (for itself and as successor in interest to Equilon Pipeline Company);
- TRM Company (formerly know as Texaco Refining and Marketing Company);
- ChevronTexaco Corp.;
- Chevron USA Inc.;
- Exxon Mobil Corp.;
- Mobil Oil Corp.;
- ExxonMobil Oil Corp.;
- Thrifty Oil Co. and;
- Best California Gas, Ltd.

U.S. EPA fines the University of California for violations of the stratospheric ozone protection program

Contact: Mark Merchant, 415-947-4297 Press Office Main Line: (415) 947-8700 **California EPA**

San Francisco, CA - February 22, 2005 The U.S. Environmental Protection Agency announced today that it has reached a \$118,404 settlement with the University of California over violations of the federal Clean Air Act. The civil penalty stems from stratospheric ozone protection violations identified during inspections of U.C.'s Berkeley and Davis campuses in October and December 2002, respectively. High in the atmosphere, the stratospheric ozone layer is the earth's protective shield against excessive ultraviolet radiation.

Overexposure to ultraviolet radiation has been held responsible for increased risk of skin cancer and cataracts, depressed immune systems, decreased crop output, and the destruction of plankton -- a critical link in the oceanic food chain. The stratospheric ozone protection program aims to prevent depletion of

the ozone layer through a national recycling and emission reduction program directed at the use and disposal of ozone-depleting refrigerants.

"It is important that facilities using certain ozone depleting substances manage them responsibly and in accordance with the stratospheric ozone protection regulations, or face swift action by the EPA," said Deborah Jordan, director of the air division in EPA's Pacific Southwest Region. This program includes leak repair and record-keeping requirements for refrigeration equipment and appliances containing greater than 50 pounds of ozone-depleting refrigerants.

EPA inspectors identified 15 violations of the stratospheric ozone protection regulations at the two campuses. Such violations included: failure to properly remove the refrigerant from two appliances at Berkeley; failure to adequately repair leaks from one appliance at Berkeley and two appliances at Davis within 30 days of discovering them; failure to develop a one-year retirement or retrofit plan for the leaking appliance at Berkeley; and failure to keep proper refrigerant-related records when servicing three appliances at Berkeley and six appliances at Davis.

#### \$28,840 Settlement Reached With Imperial Valley Resources Recovery Company

Contact: Jeanne Garcia 818.551.2176 Ron Baker 916.324.3142 **California Department of Toxic Substance Control**

Los Angeles, CA - February 14, 2005 The California Department of Toxic Substances Control (DTSC) today announced that a settlement has been reached with Imperial Valley Resources Recovery Company, LLC (IVRR), located at 3505 Highway 111 in Imperial, Imperial County, for hazardous waste violations IVRR is a hazardous waste generator. Under terms of the Consent Order (Order) signed on February 2, 2005, IVRR will pay DTSC \$28,840 of which \$22,770 is an administrative penalty and \$6,070 is reimbursement of costs incurred by DTSC. The settlement stems from violations noted by DTSC inspectors during an inspection at IVRR on December 16, 2003. DTSC inspectors noted the following:

- Storage of hazardous waste in piles from approximately February 2002 to March 2003 without a permit from DTSC
- Storage of hazardous wastes in containers and tanks without a permit from DTSC
- Failure to label hazardous waste containers and tanks
- Failure to close hazardous waste containers and tanks

As part of the settlement, DTSC will reduce IVRR's original penalty by \$5,000 if two of IVRR's employees obtain a certificate of satisfactory completion of hazardous waste management courses at the California Compliance School (CCS). CCS provides students with "hands-on" instruction on how to comply with hazardous waste statutes and regulations. IVRR must submit the certificates to DTSC within 185 days of the effective date of this Order or they must pay DTSC the additional \$5,000 within 30 days of the initial 185-day deadline.

IVRR has corrected all violations listed in the Order.

**The Unified Program Section is interested in your comments and suggestions regarding the monthly newsletter. Please provide comments and suggestions to [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).**

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